

Agricultural Marketing Service, USDA

§ 201.208

shipment from which the sample was drawn may not be imported.

[60 FR 35830, July 12, 1995]

**§ 201.106 Mixtures not considered adulterations.**

For the purposes of section 303 of the act the importation of mixtures in any combination of seed of suckling clover (*Trifolium dubium*), white clover (*Trifolium repens*), or cluster clover (*Trifolium glomeratum*) shall not be construed to be adulterated.

[6 FR 3960, Aug. 8, 1941. Redesignated at 60 FR 16979, Apr. 4, 1995]

JOINT RULES AND REGULATIONS OF THE  
SECRETARY OF THE TREASURY AND  
THE SECRETARY OF AGRICULTURE

DEFINITIONS

**§ 201.201 Agricultural seeds.**

The term *agricultural seeds* means those seeds so defined in § 201.2.

[5 FR 39, Jan. 4, 1940]

**§ 201.202 Vegetable seeds.**

The term *vegetable seeds* means those seeds so defined in § 201.2.

[5 FR 39, Jan. 4, 1940]

**§ 201.203 Screenings.**

The term *screenings* means chaff, sterile florets, immature seed, weed seed, inert matter, and any other materials removed in any way from any seeds in any kind of cleaning or processing and which contains less than 25 percent of live agricultural or vegetable seeds.

[5 FR 39, Jan. 4, 1940]

**§ 201.204 Agricultural Marketing Service.**

The term *Agricultural Marketing Service* means the Agricultural Marketing Service of the U.S. Department of Agriculture.

[5 FR 39, Jan. 4, 1940, as amended at 10 FR 13489, Nov. 1, 1945]

**§ 201.205 Collector of customs.**

The term *collector of customs* includes any person authorized under the cus-

toms laws and regulations to perform the duties of a collector of customs.

[5 FR 39, Jan. 4, 1940]

**§ 201.206 Pure live seed.**

The term *pure live seed* means the product of the percentage of germination plus the hard seed and the percentage of pure seed, divided by 100.

[5 FR 39, Jan. 4, 1940]

**§ 201.207 Other definitions.**

The definitions for the purposes of Title III of the Federal Seed Act shall include all other definitions in §§ 201.1 through 201.159.

[5 FR 39, Jan. 4, 1940]

SAMPLING

**§ 201.208 Seed.**

(a) Except as provided in paragraph (b) of this section the collector of customs shall draw and forward samples of all seed imported or offered for importation into the United States except the following kinds which he shall sample only when imported for seeding purposes and when declared for seeding purposes:

Barley.  
Bean, adzuki.  
Bean, field.  
Bean, lima.  
Bean, mung.  
Broadbean.  
Buckwheat common.  
Canary grass.  
Castorbean.  
Celery.  
Chickpea.  
Corn, field.  
Cowpea.  
Crambe.  
Flax.  
Guar.  
Hemp.  
Lentil.  
Lettuce.  
Lupine.  
Millet, foxtail.  
Millet, proso.  
Mustard, black.  
Mustard, India.  
Mustard, white.  
Oat.  
Parsley.  
Pea.  
Pea, field.  
Peanut.  
Pepper.

## § 201.209

Pumpkin.  
Rape, annual.  
Rape, bird.  
Rape, turnip.  
Rape, winter.  
Rice.  
Rye.  
Safflower.  
Sesame.  
Sorghum.  
Soybean.  
Sunflower.  
Triticale.  
Velvetbean.  
Vetch.  
Watermelon.  
Wheat.

(b) It is not ordinarily practical to sample and test small lots in importations of seed. The size of lots not ordinarily sampled is shown in table 3 in § 201.221a. No release by the United States Department of Agriculture will be necessary for seed not sampled.

[14 FR 6459, Oct. 22, 1949, as amended at 20 FR 7856, Oct. 19, 1955; 24 FR 2269, Mar. 24, 1959; 28 FR 6871, July 4, 1963; 32 FR 12155, Aug. 24, 1967; 35 FR 7411, May 13, 1970; 35 FR 19498, Dec. 23, 1970]

### § 201.209 Screenings.

The collector of customs shall upon request received prior to importation from the Administrator of the Agricultural Marketing Service draw and forward samples of all screenings imported or offered for importation into the United States.

[5 FR 39, Jan. 4, 1940]

### § 201.210 Method of sampling.

(a) In order to secure a representative sample, equal portions shall be taken from evenly distributed parts of the quantity of seed or screenings to be sampled. Access shall be had to all parts of that quantity. When more than one trierful of seed is drawn from a bag, different paths shall be followed. When more than one handful is taken from a bag, the handfuls shall be taken from well-separated points.

(b) For free-flowing seed in bags or bulk, a probe or trier shall be used. For small free-flowing seed in bags a probe or trier long enough to sample all portions of the bag should be used.

(c) Non-free-flowing seed, such as grass seed, uncleaned seed or screenings, difficult to sample with a

## 7 CFR Ch. I (1–1–97 Edition)

probe or trier, shall be sampled by thrusting the hand into the bulk and withdrawing representative portions. The hand shall be inserted in an open position and the fingers shall be held closely together while the hand is being inserted and the portion withdrawn.

(d) The portions shall be combined into a composite sample except that if the quantity represented to be a lot does not appear to be of uniform quality as required in paragraph (e) of this section the separate portions shall be forwarded together but without being combined into a composite sample.

(e) A quantity of seed designated as one lot shall be regarded as such for sampling only if every portion or bag of seed in the quantity is uniform within permitted tolerances as to percentage of pure seed, percentage of germination and hard seed, percentage of weed seed, and rate of occurrence of noxious weed seeds.

(f) When an importation consists of more than one lot, each lot shall be sampled separately.

(g) Sampling shall not proceed unless (1) each container is stencilled or otherwise labeled to show the lot designation and the name of the kind, or kind and variety, appearing on the invoice and other entry papers and (2) a "Declaration of Labeling" has been filed by the importer of record as required under § 201.228a.

[5 FR 39, Jan. 4, 1940, as amended at 10 FR 9949, Aug. 11, 1945; 14 FR 6459, Oct. 22, 1949; 26 FR 10150, Oct. 31, 1961]

### § 201.211 Bulk.

Bulk seeds or screenings shall be sampled by inserting a long probe or thrusting the hand into the bulk as circumstances require. At least as many trierfuls or handfuls as the minimum required for the same quantity of seed or screenings in bags of a size customarily used for such seed or screenings shall be taken.

[26 FR 10150, Oct. 31, 1961]

### § 201.212 Bags.

(a) For lots of six bags or less, each bag shall be sampled. A total of at least five trierfuls shall be taken.